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IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

2023 JUN 27 PM 3: 37

CLERK U.S. DIST. COURT
WEST DIST. OF MO
KANSAS CITY, MO

DRAKE ALLEN MATFIELD)
)
Plaintiff,)
)
v.)
)
ESSIG AND ASSOCIATES, INC.,) Case No. 4:22-cv-00852-BCW
d/b/a MCDONALDS,)
)
Defendants.)
)
)
)

PLAINTIFF'S OPPOSING SUGGESTIONS TO THE
DEFENDANTS MOTION TO DISMISS

I the Plaintiff, Drake Matfield, seeks to deny the defendants motion to dismiss my case for the following reasons:

Opposing Suggestions:

1.The Plaintiff has filed a Complaint essentially arguing that he is being retaliated against by Essig and Associates, Inc. for making a charge of discrimination against his prior employer, Kaileyco Corp.	True
2.Essig and Associates is a McDonald's franchisee who purchased this McDonald's location. The charge of discrimination is not a liability that Essig assumed.	False: The statement made by the defendant is misleading. 1. It is true that Essig and Associates purchase the McDonald's location that I worked at. 2. However, I the plaintiff have not made any claims they are responsible for the charge of discrimination made against the prior employer.

<p>3.The Plaintiff falsely alleges that Essig management has threatened to kill him or shoot him if he filed a charge of discrimination.</p>	<p>False:</p> <p>The statement made by the defendant is misleading.</p> <ol style="list-style-type: none"> 1. I the plaintiff stated; a manager said "she will shoot me - if I sued before she is through. (What she was referring to - I do not know.)" 2. She said this while displaying a gun shape like object. And, I do not know what she was referring to then; nor now - when she said (before she was through). 3. The actions of the employee are mention to prove that a hostile/torte work environment was created under the employment of Essig and Associate.
<p>4. Plaintiff also alleges that he is currently being hypnotized by the management of Essig and Associates.</p>	<p>False:</p> <p>The statement made by the defendant is misleading.</p> <ol style="list-style-type: none"> 1. I the plaintiff made the statement, "some incidents would suggest that the current employment is continuing to impose some form of hypnosis on me." 2. The wording "some form of hypnosis" is meant to imply the reality of the event is unknown to me. But the results of my actions can best be described as being hypnotized. 3. Prior to Essig and Associated, I experienced episodes of strange events - initiated by the employees that I worked with. These strange occurrences are unlike anything I've experience before; and are best described by me as being hypnotized. 4. While employed under Essig and Associate these occurrences occurred less and were less severed; but still existed and thus my suspicion about them remained.
<p>5.The Defendant does not question whether a current employer can retaliate for taking action against a prior employer, What is unclear from the Plaintiff's Complaint, is</p>	<p>False:</p> <ol style="list-style-type: none"> 1. My complaint clears state that I believe I'm being harassed for suing my previous

<p>how the actions of Essig and Associates have been directed to any protected conduct of the Plaintiff. The Plaintiff indicates that he has been discriminated against on the basis that he is African American. However, the offending manager is also allegedly African American. He alleges that "females are smarter than males," but again fails to show in anyway how that is relevant to his charge of discrimination. He also claims that he is being discriminated against because of a mental impairment and weak knee. It is unclear how any of those claims relate to his charge against the prior employer.</p>	<p>employer.</p> <ol style="list-style-type: none"> 2. My previous lawsuit was partial based on being discriminated because I'm an African American. 3. The manager in question was hired when Essig and Associate brought the store. 4. I suspect her employment was to hide the motives of the prior employer. 5. I suspect this to be the case; because she openly admits to harassing me. And furthermore, I overheard a conversation with her and an upper Manager name Chris. <p>In that conversation, the black female manager said to Chris, "Why are you going to write me up? I told you in order for me to do what you want me to do, I had to harass him..."</p> <p>The conversation implies her actions may have been directed to avoid legal ramification.</p> <ol style="list-style-type: none"> 6. The statement females are smarter than male; was to inform the motivation be hide some of the employees actions against me. 7. On multiple occasions, the manager would openly humiliate, and attempt to exact authority amongst colleagues to prove females are smarter than males. 8. My complaint clearly state that I was openly humiliate because of my disability. 9. Furthermore, my complaint states, "I believe much of the harassment was to further my mental impairment to prevent me from being successful in my legation with my previous employer."
<p>6.He indicates that he believes he has been harassed because the Kaileyco Defendants were served with a lawsuit. He indicates that he seems to be experiencing harassment and scrutiny pursuing his prior employer.</p>	<p>False:</p> <p>The statement made by the defendant seems misleading.</p> <ol style="list-style-type: none"> 1. I the plaintiff used the word escalating to show a variance in

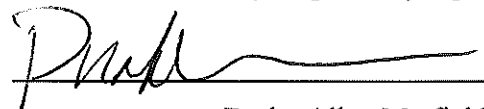
	<p>the behavior of the work place.</p> <p>2. For the most part, I believe the statement is confirming the same thing; but I wasn't sure.</p>
<p>7.It is not clear from the Complaint how he has been impacted and for what conduct.</p>	<p>False:</p> <p>I state in my complaint the harassment has add more traumas to my mental impairment; and has cause a depression.</p>
<p>8.He claims that his hours have been reduced, but does not indicate how the reduction in his hours is related to race discrimination, retaliation or disability discrimination.</p> <p>He claims that the has been subjected to "open humiliation" without providing any detail of what that means.</p>	<p>False:</p> <p>1. The complaint makes it clear my reduction in hours were a form of harassment - due to suing my prior employer. - This is a form of retaliation.</p> <p>2. Open humiliation is implied to be self-exploratory. The complaint asked for a summary; to which there were multiple occurrences.</p> <p>A detail explanation was expected to be given in [discovery / disposition] before trail.</p>
<p>9.Furthermore, he claims that he has been "reprehended for doing what he was told to do." Again, there is insufficient detail to even understand what he is claiming.</p>	<p>False:</p> <p>1. "Reprehended for doing what I was told to do" was expected to be sufficient; because the complaint asked for a summary; to which there were multiple occurrences.</p> <p>A detail explanation was expected to be given in [discovery / disposition] before trail.</p>
<p>10.Furthermore, he complains that the Defendants have engaged in malicious attempts to diminish his work performance. Defendants cannot determine what is being claimed.</p>	<p>False:</p> <p>The statement made by the defendant seems misleading.</p> <p>1. The statement implied that Essig and Associate weren't aware of my complaint prior to filing a complaint with the EEOC.</p> <p>2. Emails were sent to Upper management to stop harassment.</p> <p>3. Furthermore, I heard conversation that would suggest the harassment might have been direct by upper management vs. Essig and Associates being responsible for the actions of its employees.</p>

11.He also claims that the discrimination has been facilitated by a new black female manager whose name he does not know. In addition, he claims that some of the "employees and customers" are discriminating against him.	True
12.He believes the discrimination has occurred because some of the crew has information regarding the fact that he filed litigation and he did not disclose that information to them.	False: The statement made by the defendant is misleading. 1. The word discrimination is used vs. harassment. 2. The statement in question implies only one reason for why I believe the harassment is retaliatory, when my complaint clearly states this to be one of many reasons - why I deemed the harassment retaliatory.
13.It is not clear from the Complaint exactly what protected activities he has engaged in since filing the charge against the prior employer that the current employer is retaliating against, The nexus between the prior action and protected activity and the action of the current employer is not set forth in the Complaint and for that reason the Complaint should be dismissed	False: The statement made by the defendant is misleading. 1. The EEOC declares harassment for filing a lawsuit against discrimination is considered retaliatory in nature. 2. My complaint clearly states the employees were harassing me; because I filed a lawsuit. 3. The purpose of discovery is to establish merit of the complaint.

Therefore, I the Plaintiff, Drake Matfield, respectfully request the Court to deny the Dismissal of my case and to proceed with discovery and trial.

Date: 4/27/2023

I hereby respectfully sign,



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Pro se Plaintiff